

United States Patent and Trademark Office
- Sales Receipt -

03/31/2006 TPLUNKET 00000001 501212 10675860
Sale Ref: 00000001 DA#: 501212 10675860
01 FC:2201 500.00 DA
02 FC:2202 375.00 DA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: NUCLEASE INHIBITOR COCKTAIL
Appl. No.: 10/675,860
Applicant: Kudlicki *et al.*
Filed: September 30, 2003
Art Unit: 1634
Examiner: Whisenant, Ethan C.
Docket No.: AMBI:052USC1

RECEIVED
CENTRAL FAX CENTER
MAR 29 2006

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. § 1.8 I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273- 8300 on the date below: March 29, 2006 Date Michael R. Krawczek

RESPONSE TO THE NOTICE OF
NON-COMPLIANT AMENDMENT MAILED MARCH 15, 2006

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this response to the Notice of Non-Compliant Amendment mailed
March 15, 2006, in the above case.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks begin on page 10.

50-1212

2201 @ 5 = 500
2202 @ 15 = 375

25639900.1

1

BEST AVAILABLE COPY

and 69 (emphasis added). Again, Devaux *et al.* appear to concern “[m]ixtures of five inactivating Mabs” and not Applicants’ claimed combination of “a soluble anti-nuclease antibody” and “a non-antibody nuclease inhibitor.”

Because Devaux *et al* fails to disclose every element of Applicants’ claimed invention, the anticipation rejection cannot be maintained. *Telemac Cellular Corp. v. Topp Telecom, Inc.*, 247 F.3d at 1327. Applicants therefore request that the rejection of claims 51-54, 57-58, 59, 64, 68-69, 71-73, and 75-77 under 35 U.S.C. § 102(b) as being anticipated by Devaux *et al.* be withdrawn.

C. The Double Patenting Rejections Are Overcome

There are two separate obviousness-type double patenting rejections: (1) claims 51-79 as being unpatentable over claims 1-33 of U.S. Patent No. 6,664,379; and (2) claims 51-79 as being provisionally unpatentable over claims 1-82 of U.S. Patent Application No. 10/786,875. Applicants are filing the appropriate terminal disclaimers along with the present response. In view of this, the obviousness-type double patenting rejections are overcome and should be withdrawn.

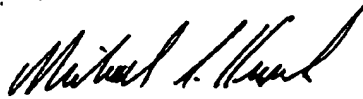
D. Conclusion

Applicants believe that this document is a complete response to the Office Action mailed on December 5, 2005. The present claims are in a condition for allowance and such favorable action is requested.

The Commissioner is hereby authorized to deduct any fees required by 37 C.F.R. §§ 1.116 to 1.21 as a result of the filing of this paper, including the terminal disclaimer fees required by 37 C.F.R. § 1.20(d), from Fulbright & Jaworski Deposit Account No. 50-1212/AMBI:052USC1.

The Examiner is requested to contact Applicant's representative at (512) 536-3035 with any questions or comments concerning this application.

Respectfully submitted,



Michael R. Krawzsenek
Reg. No. 51,898
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.3020 (voice)
512.536.4598 (fax)

Date: March 1, 2006